

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID MICHAEL NAVARRO,

Defendant.

NO. CR13-5525 BHS

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on motion of the United States for entry of a Final Order of Forfeiture with respect to the properties listed below.

On November 3, 2014, this Court entered a Preliminary Order of Forfeiture in the above-captioned case forfeiting Defendant David Michael Navarro's interest in each of the properties listed below. The property listed in paragraphs (a) through (g) below is subject to forfeiture pursuant to Title 18, United States Code, Section 2253, because it was used and intended to be used to commit or to promote the commission of the offense to which the defendant has pleaded guilty; Production of Child Pornography/Sexual Exploitation of Children, in violation of Title 18, United States Code, Sections 2251(a) and (e) (Counts One and Two of the Superseding Indictment), Receipt and Distribution of Material Constituting or Containing Child Pornography, in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1), and Possession of Child Pornography, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2). The property listed in paragraph (h) below is subject to forfeiture because it constitutes the images themselves.

Pursuant to Title 21, United States Code, Section 853(n), the United States published notice of the Preliminary Order of Forfeiture on the official government website www.forfeiture.gov for thirty (30) consecutive days beginning on November 6, 2014, and ending on December 5, 2014, and of the intent of the United States to dispose of the property listed in paragraphs (a) through (g) of the Preliminary Order of Forfeiture in accordance with the law. The notice further stated that any person, other than the defendant, having or claiming a legal interest in the above-described property was required to file a petition with the Court within sixty (60) days of the first date of publication of notice, setting forth the nature of the petitioner's right, title, and interest in the property.

On or about November 4, 2014, a copy of the Preliminary Order of Forfeiture in the above-captioned criminal case was sent to Nichole Navarro via certified mail, return receipt requested, Article Number 7013 2630 0002 3486 0052, through the U.S. Postal Service. The letter was returned to the United States as "Return to Sender, Unclaimed, Unable to Forward." The letter sent regular mail was not returned.

All persons and entities believed to have an interest in the property subject to forfeiture were given proper notice of the intended forfeiture.

No petitioners or claimants have come forth to assert an interest in the forfeited property, and the time for doing so has expired.

IT IS ORDERED, ADJUDGED and DECREED that the following properties seized from David Michael Navarro are hereby fully and finally condemned and forfeited to the United States in their entirety:

- a. One (1) iPhone5, Serial No. BCG-E2599A;
- b. One (1) iPhone 3GS;
- c. One (1) MacBook Pro, Serial No. CO2F48JZF8X;
- d. One (1) iPad;
- e. One (1) Canon Powershot Camera;

- 1 f. One (1) Dell tower computer;
- 2 g. One (1) 32GB Cruzer Glide Thumb Drive, Serial No. SDCZ60-032G; and
- 3 h. Any and all images of child pornography, in whatever form and however
- 4 stored.

5 IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or
6 interest to the above-described properties shall exist in any other party. The
7 United States Marshals Service is authorized to dispose of the above-described properties
8 in accordance with law. Specifically, the depictions and images listed in paragraph (e)
9 above shall be destroyed or retained for official (investigative) use by the Attorney
10 General pursuant to Title 21, United States Code, Sections 853(i) and 881(e).

11 DATED this 5th day of January, 2015.

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BENJAMIN H. SETTLE
United States District Judge

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19 Presented by:

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